

HOUSE BILL 2724

By Brooks

AN ACT to amend Tennessee Code Annotated, Title 4, Chapter 7, Part 1; Title 6, Chapter 54 and Title 8, Chapter 8, Part 2, relative to law enforcement.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF TENNESSEE:

SECTION 1. Tennessee Code Annotated, Title 4, Chapter 7, Part 1, is amended by adding the following as a new, appropriately designated section:

(a) The commissioner of safety shall file a monthly report with the attorney general and reporter. Without revealing the personal identity of any motorist or passenger, the monthly report shall compile the following information:

(1) The race and ethnicity of each motor vehicle operator and passenger stopped or otherwise detained by the highway patrol, (for purposes of this subdivision, "otherwise detained" does not include a brief wait by an operator or passenger while an officer merely completes a routine traffic accident investigation and report);

(2) The county in which the operator and passenger was stopped or otherwise detained;

(3) The suspected traffic infraction or other offense that provided the basis for stopping or detaining the operator and passenger;

(4) Whether a search was instituted of the:

(A) Vehicle;

(B) Body of the operator;

(C) Personal effects of the operator;

(D) Body of the passenger; or

(E) Personal effects of the passenger;

(5) The legal basis for the search;

(6) Whether contraband was discovered in the course of the search;

(7) The nature and amount of any contraband found; and

(8) Whether an arrest was made or a citation was issued as a result of the stop or the search.

(b) The attorney general shall analyze the monthly reports and shall conduct such inquiries as may be warranted. On or before March 1 each year, the attorney general shall file a cumulative annual report with the judiciary committee of the senate, the judiciary committee of the house of representatives and the Tennessee black caucus of state legislators. Based on such analyses and inquiries, the annual report shall reveal the extent, if any, to which the men and women of the highway patrol engaged in racial profiling during the preceding calendar year.

SECTION 2. Tennessee Code Annotated, Title 6, Chapter 54, is amended by adding the following as a new, appropriately designated section:

(a) The chief administrative officer of each municipal police department shall file a monthly report with the attorney general and reporter. Without revealing the personal identity of any motorist or passenger, the monthly report shall compile the following information:

(1) The race and ethnicity of each motor vehicle operator and passenger stopped or otherwise detained by the municipality's police officers, (for purposes of this subdivision, "otherwise detained" does not include a brief wait by an operator or passenger while an officer merely completes a routine traffic accident investigation and report);

(2) The suspected traffic infraction or other offense that provided the basis for stopping or detaining the operator and passenger;

(3) Whether a search was instituted of the:

(A) Vehicle;

(B) Body of the operator;

(C) Personal effects of the operator;

(D) Body of the passenger; or

(E) Personal effects of the passenger;

(4) The legal basis for the search;

(5) Whether contraband was discovered in the course of the search;

(6) The nature and amount of any contraband found; and

(7) Whether an arrest was made or a citation was issued as a result of the stop or the search.

(b) The attorney general shall analyze the monthly reports and shall conduct such inquiries as may be warranted. On or before March 1 each year, the attorney general shall file a cumulative annual report with the judiciary committee of the senate, the judiciary committee of the house of representatives and the Tennessee black caucus of state legislators. Based on such analyses and inquiries, the annual report shall reveal the extent, if any, to which police officers within the various municipal police departments engaged in racial profiling during the preceding calendar year.

SECTION 3. Tennessee Code Annotated, Title 8, Chapter 8, Part 2, is amended by adding the following as a new, appropriately designated section:

(a) The sheriff of each county shall file a monthly report with the attorney general and reporter. Without revealing the personal identity of any motorist or passenger, the monthly report shall compile the following information:

(1) The race and ethnicity of each motor vehicle operator and passenger stopped or otherwise detained by the sheriff or the sheriff's department, (for purposes of this subdivision, "otherwise detained" does not include a brief wait by an operator or passenger while the sheriff or a deputy merely completes a routine traffic accident investigation and report);

(2) The suspected traffic infraction or other offense that provided the basis for stopping or detaining the operator and passenger;

(3) Whether a search was instituted of the:

(A) Vehicle;

(B) Body of the operator;

(C) Personal effects of the operator;

(D) Body of the passenger; or

(E) Personal effects of the passenger;

(4) The legal basis for the search;

(5) Whether contraband was discovered in the course of the search;

(6) The nature and amount of any contraband found; and

(7) Whether an arrest was made or a citation was issued as a result of the stop or the search.

(b) The attorney general shall analyze the data contained within the monthly reports and shall conduct such inquiries as may be warranted. On or before March 1 each year, the attorney general shall file a cumulative annual report with the judiciary

committee of the senate, the judiciary committee of the house of representatives and the Tennessee black caucus of state legislators. Based on such analyses and inquiries, the annual report shall reveal the extent, if any, to which the various sheriff's and sheriff's deputies engaged in racial profiling during the preceding calendar year.

SECTION 4. This act shall take effect July 1, 2000, the public welfare requiring it.